

Statement of  
**The Honorable Orrin Hatch**

United States Senator  
Utah  
November 10, 2005

Statement of Sen. Orrin G. Hatch  
for the hearing

"Why the Government Should Care About Pornography:  
the State Interest in Protecting Children and Families"

United States Senate Committee on the Judiciary  
Subcommittee on the Constitution, Civil Rights, and Property Rights  
November 10, 2005

Thank you, Mr. Chairman, for holding this hearing and permitting me to participate. I first introduced legislation to restrict dissemination of obscene material in the 95th Congress, during my first year in the Senate and before the Internet even existed. What was a problem then has become a crisis today. Ending in the right place requires starting in the right place. Pornography and obscenity present a problem of harm, not an issue of taste. Let me repeat that because we have to be on the right road to get where we need to go. Pornography and obscenity present a problem of harm, not an issue of taste. The days are long gone when concerns about the impact of pornography consumption can be dismissed with cliches or jokes about fundamentalist prudes imposing Victorian values. Actually, that attitude reflects real ignorance about Victorians, but that discussion might be for a different hearing. Whether it is high-fat foods, second-hand smoke, or hard-core pornography, what we consume affects us. Pornography affects both consumers and the culture. Surveys, government commissions, clinical research, and anecdotal evidence have long confirmed that pornography consumption correlates with a range of negative outcomes. Its effects are protracted, progressive, and profound. Witnesses testifying today will go into more detail about the evidence for how pornography harms consumers. Evidence for such harm was accumulating years ago, at a time when the methods for producing, marketing, and distributing porn were fairly well defined and somewhat stable. We now have the Internet, the most pervasive and anonymous medium every devised by human beings. Pervasiveness and anonymity magnify the effect of pornography consumption on the consumer. One of the witnesses today has written a book titled *Pornified: How Pornography Is Transforming Our Lives, Our Relationships and Our Families*. A review of Ms. Paul's book appearing in the September 25, 2005, issue of the San Francisco Chronicle said it shows that to discuss porn today is to discuss Internet porn.

Another of the witnesses testifying today, Jill Manning, who comes from my home state of Utah, is doing her doctoral work specifically on the unique and devastating effects of Internet pornography.

In addition, the pervasiveness and anonymity of the Internet expand the population of pornography consumers to include children.

Let me be clear.

The problem is not the Internet, the problem is pornography.

But we must take seriously the unique and powerful ways the Internet can be used for evil rather than for good.

In addition to affecting consumers, pornography affects the culture.

Cultural critic Malcolm Muggeridge observed more than 25 years ago that America is more sex-ridden than any country in world history.

Has the situation improved since then?

Today, as we head into the holiday season, obtaining the catalog of certain clothing companies will require a photo ID.

Most fitness magazines are more about sex than about fitness.

A new survey by the Kaiser Family Foundation found that the number of scenes with sexual content on television has doubled in less than a decade.

The highest concentration of sexual scenes is in shows that are most popular with teenagers.

Someone will no doubt haul out the old argument that television merely reflects, but does not influence, reality.

The same Kaiser survey found that the percentage of so-called reality shows with sexual scenes is significantly lower than any other type of show.

The percentage of reality shows with sexual scenes is less than half that for talk shows and less than one-third that for drama shows or situation comedies.

In 2001, Esquire magazine published a long feature on what it called the pornographication of the American girl.

Pornographication!

There should be no need to invent such a word.

Mr. Chairman, it is impossible rationally to argue any more that this is solely a matter of personal taste.

It is a problem of harm.

Harm to individuals, to relationships, to families, to communities, and to children.

As a result, legislators must evaluate whether we have a responsibility to act.

We all believe in freedom of speech.

Mr. Chairman, you and I swore an oath to preserve and protect the Constitution, including the First Amendment.

But the First Amendment is not an altar on which we must sacrifice our children, our families, our communities, and our culture.

Thank you for the chance to participate in this important discussion and to hear from the distinguished panel of witnesses you have assembled.